IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 1175 of 2002.

Decided on: 24.09.2007.

Harnam Singh and Others. … … Petitioners.

Versus

Punjab State Electricity Board and Others. … … Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting?[1] *No.*

For the Petitioners: **Mr. Dharamvir Sharma, Advocate**

For Respondents No.1 & 2: **Mr. Anand Sharma, Advocate.**

For Respondents No.3 & 4: **Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakshi Sharma, Deputy Advocate Generals.**

Rajiv Sharma, Judge (Oral):

A challenge has been laid by the petitioners to the award made by the Labour Court, Shimla on 18th April, 2002 in reference No.103 of 1996.

The brief facts necessary for adjudication of this petition are that the State Government had made the following reference to the Labour Court:-

> **"Whether the termination of services of Shri Harnam Singh and 20 other workers (list**

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[1] *Whether reporters of local papers may be allowed to see the judgment? No.*

enclosed) by the Superintending Engineer, Punjab State Electricity Board, Shanan Power House, Jogindernagar, District Mandi (HP) without any notice, charge-sheet, enquiry and compliance of Section 25(F) of the Industrial Disputes Act, 1947 is legal and justified, if not, to what relief of past service benefits and amount of compensation, the aggrieved workmen are entitled to?"

In sequel to the reference made by the State Government, the petitioners (hereinafter referred to as the workmen for convenience sake) had filed separate claim petitions before the Labour Court. They had primarily contended before the Labour Court that since they had completed 240 days in a block of 12 calendar months preceding their retrenchment, they were entitled to compensation. The claim of the workmen has been resisted by the employer. The Labour Court vide award dated 18th April, 2002 had decided the reference against the workmen.

During the course of arguments, Mr. Dharamvir Sharma had drawn the attention of the Court to the various documents as well as to certain portions of the oral evidence and submitted that there are mis-reading and mis-appreciation of the evidence. Mr. Anand Sharma submits that there is no mis-appreciation of the evidence.

As the arguments were in progress, a suggestion was made by both the learned counsel for the parties that in view of the peculiar facts and circumstances of the case, the matter can

be remanded back to the Labour Court for fresh adjudication after permitting the parties to lead their respective evidence.

In view of the statement made by the learned counsel for the parties, the award dated 18th April, 2002 is set aside and the matter is remanded back to the Labour Court to decide it afresh by confining to the reference made by the State Government. The parties are permitted to lead their respective evidence before the Labour Court. The Labour Court will decide the matter afresh uninfluenced by the observations made hereinabove. To avoid delay, the parties are directed to appear before the Labour Court on October 22, 2007. It is clarified that the Court has not expressed its opinion with regard to the authenticity of the documents produced by the workmen by way of CMP bearing No.2427 of 2007.

Accordingly, the writ petition is disposed in view of the observations made hereinabove. No order as to costs.

(Rajiv Sharma), Judge.

September 24, 2007.
(sck).